

REMARKS

Request for examination of the application in light of the amendments and remarks contained herein is respectfully requested. Claims 1-14 are currently pending in the application.

Notice of Non-Compliant Amendment

The Notice of Non-Compliant Amendment mailed June 28, 2005 informed Applicant that the communication mailed on February 14, 2005 was forwarded in error. The instant application is a reissue application, which has a different set of rules for amendment of the claims and specification. As a result, amendments made on March 25, 2005 in response to the Office Action have not been entered. The previous amendment, filed October 14, 2004, represents the current status of the claims.

The Examiner stated that the amendments to the paper sequence listing correcting the sequence of SEQ ID NO:30 (and the new amendment to SEQ ID NO:13) were not made according to the requirements as set forth in 37 C.F.R. 1.173(b)(1). Specifically, the original sequence was not shown as being deleted by bracketing and the new sequence was not shown as being added by underlining.

Applicant files herewith a Substitute Sequence Listing in paper format. This listing indicates deleted material with brackets and new material as underlined. Support for the amended sequences was discussed at length in the Response and Amendment filed October 14, 2004 and is herein incorporated by reference. *See* Amendment and Reply of 10/14/04, p. 7-8. Applicant respectfully requests withdrawal of the rejection.

In addition to the amendments made to SEQ ID NOs:13 and 30, Applicant discovered two errors in the original sequence listing: SEQ ID NO:9 and SEQ ID NO:46.

The sequence disclosed in the sequence listing filed with the 5,670,347 patent incorrectly lists amino acid #2 of SEQ ID NO:9 as “met” (methionine, M), rather than the correct amino acid “asn” (asparagine, N). Although incorrectly listed in the submitted sequence listing, SEQ ID NO:9 is correctly identified in Table 1 (SEQ ID NO:9: P--N--K--K--K--R--K). The Substitute Sequence Listing filed herewith shows the corrected SEQ ID NO:9, with the proper indicators (brackets and underlines). The correct sequence is also included in the Supplemental Sequence Listing in CFR, filed concurrently with this amendment (see below). Because SEQ ID NO:9 was properly disclosed in Table 1 of the originally filed application, no new matter has been added.

The sequence disclosed in the sequence listing filed with the 5,670,347 patent incorrectly lists amino acids #11 through #43 of SEQ ID NO:46. SEQ ID NO:46 is correctly identified in Table 1 as K--K--N--Q--K--H--K--L--K--M-32aa-K--R—K. However the sequence disclosed in the sequence listing filed with the 5,670,347 patent does not list the 32 amino acids #11 through #43 designated as “32aa.” The Substitute Sequence Listing filed herewith shows the corrected SEQ ID NO:46, with the proper indicators (brackets and underlines). The correct sequence is also included in the Supplemental Sequence Listing in CFR, filed concurrently with this amendment (see below). Because SEQ ID NO:46 was properly disclosed in Table 1 of the originally filed application, no new matter has been added.

In addition, Applicant files herewith a Statement To Support Filing and Submission In Accordance With 37 C.F.R. 1.173. This statement declares that the new paper and CFR sequence listing contain the same sequences and that the substitute listing adds no new matter.

A comparison of Table 1 to the source documents, Garcia-Bustos, J. et al., *Biochem. Biophys. Acta* 1071: 83 - 101 (1991) and Raikhel, N., *Plant Physiol.* 100: 1627 - 1632 (1992) (both previously submitted) revealed six additional errors in Table 1 and the original sequence

listing of the 5,670,347 patent. The six additional typographical errors listed below, with the proper indicators (brackets and underlines) and are incorporated into the Table in the Section above entitled “Amendments to the Specification.”

SEQ ID NO.	Sequence with change indicated
SEQ ID NO:14	K--A--K--R--[S--K--A]Q--R
SEQ ID NO:20	R--Q--R--R--N--E--L--K--[4]R--S--F
SEQ ID NO:29	P--R--[3]E--S--G--K--K--R--K--R--K--R--L--K--P--T
SEQ ID NO:34	P--L--L--K--K--I--[I]K--Q
SEQ ID NO:49	K--T--K--Y--G--S--D--T--E--I--K--L--[L]K--S--K
SEQ ID NO:51	M--[3]E--Y--N--A--I--L--R--R--K--L--E--E--D--L--E

The cited source of the information in Table 1, Garcia-Bustos, J. et al., and Raikhel, N., were both incorporated by reference (col. 5 lines 38-39). Thus the correction of the typographical errors in Table 1 of the patent to reflect the true content found in the publications and does not introduce new matter.

The Examiner also indicated that the Reply did not comply with the reissue amendment rules as required by the previous Office Action of July 14, 2004. The two amendments made to Table 1 were improper because the entire paragraph showing the changes with underlining and/or bracketing must be submitted.

As required by MPEP 1453(b)(1) and 37 C.F.R. §1.173(b)(1), Table 1 has been reproduced in its entirety in the Section above entitled “Amendments to the Specification”. The amendments to this portion of the specification now show the required underlining of new

material and bracketing of deleted material. Withdrawal of the rejection is respectfully requested.

In addition, the Examiner stated that the amendment filed October 14, 2004 did not comply with the sequence rules. The Examiner explains that amended SEQ ID NO:13 is no longer identical to SEQ ID NO:13 as it appears in the original Paper Sequence Listing and accompanying listing in Computer Readable Format.

As stated above, Applicant submits with this Amendment as Substitute Sequence Listing. This listing complies with the reissue amendment rules in that all changes are indicated with underlining and/or bracketing. In addition, Applicant submits herewith a Substitute Sequence Listing in Computer Readable Format. This CRF listing is identical to the paper listing with the exception that the amendments have been fully incorporated into the listing (no underlines/brackets). Withdrawal of the rejection is therefore respectfully requested.

The Examiner also stated that any additional amendments made to the specification, claims or drawings will require a new supplemental oath/declaration to cover the new amendments. Accordingly, Applicant submits herewith a new Supplemental Declaration for Reissue Application Under 37 C.F.R. § 1.175(b)(1), signed by the inventor Dr. T. Venkat Gopal.

CONCLUSION

Applicant respectfully submits that the claims now stand ready and in condition for allowance. Early consideration of the above amendments and remarks is respectfully requested.

Applicant does not believe that any fees or additional extensions of time are required in conjunction with this submission. However, in the event that any additional extension of time is necessary to prevent the abandonment of this patent application, then such extension of time is hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fees that may be required in conjunction with this submission to Deposit Account Number 50-2228, referencing matter number 020728.0101PTUS.

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